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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,807	09/22/2000	MARK A. DARTY	104175	9676

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EXAMINER

ALPHONSE, FRITZ

ART UNIT

PAPER NUMBER

2675

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11

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. <b>09/667,807</b>	Applicant(s)	Darty
	Examiner <b>Fritz Alphonse</b>	
	Art Unit <b>2675</b>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Nov 7, 2002

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4)  Claim(s) 1-25 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-6, 8-11, and 23-25 is/are rejected.

7)  Claim(s) 7 and 12-22 is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892)

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b).

Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-6, 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuwahara (U.S. Pat. NO. 6,486,866).

As to claim 1, kuwahara (fig. 1) discloses a display device, comprising: a carrier body (note the electrophoretic particles dispersed in the dispersion medium; see abstract) that defines at least one channel (i.e., vacuum disposition chamber). <sup>kuwahara (figs. 4-7) shows a channel extending in a direction of extension; at least one particle (6) disposed in the at least one channel; and a controller</sup>

*6 = channel*

*Partial - 5*

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(col. 5, lines 11-26) that moves the at least one particle along the direction of extension of the at least one channel (col. 5, lines 11-26).

As to claim 2, kuwahara discloses a display including a bottom cover (counter substrate 3) disposed at a bottom end of the at least one channel, and a top cover (see col. 10, lines 65 through col. 11, line 8: transparent substrate made from glass sheet 2) disposed at a top end of the at least one channel, the bottom and top covers preventing the at least one particle from exiting the at least one channel.

As to claims 3-4, Kuwahara discloses a display according to claim 2, further including a lens disposed at a top surface of the top cover (note the transparent substrate 2 forming a lens disposed at the top surface of the channel; col. 10, lines 65 through col. 11, line 8).

As to claim 5, Kuwahara discloses a display further including a fluid disposed in the at least one channel, and the top and bottom covers are affixed at the top and bottom ends of the at least one channel to prevent the fluid from exiting the at least one channel.

As to claim 6, Kuwahara discloses a display, at least one particle includes multiple particles (col. 5, lines 33-45), the multiple particles including at least one cyan particle, at least one yellow particle and at least one magenta particle (col. 25, lines 12-19). 

As to claim 8-10, Kuwahara discloses a display, wherein at least one particle is a solid (note in figure 1, color ball type particles are produced by preparing small-sized glass balls; col. 11, lines 50-61), and at least a micro-encapsulated (col. 6, lines 22).

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over kuwahara in view of Palmer (U.S. Pat. No. 6,052,287).

As to claim 11, kuwahara does not teach about a carrier body partially made of silicon.

However, in the same field of endeavor, Palmer discloses an integrated circuit chip carrier formed from a silicon substrate (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Palmer's integrated circuit chip carrier with kuwahara. By doing so the silicon array chip carrier can serve as an additional heat sink or a thermal stress absorber when an IC chip is to be interfaced with a material such as a glass epoxy printed circuit board.

As to claims 23-25, method claim 23-25 correspond to apparatus claim 1. Therefore, they are analyzed as previously discussed in claim 1 above.

***Allowable Subject Matter***

5. Claims 7, 11-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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*Response to Arguments*

6. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smith et al. (U.S. Pat. No. 5,986,629) discloses an electrostatic discharge indicator.

Silverman (U.S. Pat. No. 6,038,059) discloses an additive color electric paper without registration or alignment of individual elements.

Albert (U.S. Pat. No. 6,392,786) discloses an electrophoretic medium provided with spaces.

Enomoto et al. (U.S. Pat. No. 6,441,881) discloses an electrophoretic liquid crystal reflective display with slanted partition walls.

DeBoer et al. (U.S. Pat. No. 6,486,901) discloses a microfluidic printing with gel-forming inks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse whose telephone number is (703) 308-8534.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703) 305-9720.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 ( for Technology Center 2600 only )**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



F. Alphonse

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January 16, 2003



STEVEN SARAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600